

DETAILED ACTION
EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clifford W. Browning on 6 August 2010.

The application has been amended as follows:

In the specification, on page 3, delete lines 4-5 ("Advantageous developments of this first preferred embodiment of the sensor system according to the invention are disclosed in Claims 4 to 12.") and lines 22-23 ("Advantageous developments of the second and/or third preferred embodiment are disclosed in Claims 16 to 23.").

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to anticipate or make obvious the invention of claims 24, 26-31, 33, and 34, including, *inter-alia*, a blood glucose concentration sensor system comprising an implantable sensor in the form of a glucose-penetrable ampoule containing a sensitive liquid and a user device configured to be worn on a user's skin that controls measurement of the viscosity of the mixture created by the glucose and sensitive liquid and evaluation of the measurement, where the viscosity is measured by

observing the oscillatory behavior of an oscillating element disposed in the implantable sensor and excited to oscillation by an oscillating magnetic field, and where the sensor also includes a plastic part disposed in the implantable sensor that confines the liquid volume, supports the oscillating element, and has an elongated bore into which an arm disposed on the magnet projects such that the liquids are mixed, in combination with all other limitations in the claims.

The prior art of record fails to anticipate or make obvious the invention of claims 35-46, including, *inter-alia*, a blood glucose concentration sensor system comprising an implantable sensor in the form of a glucose-penetrable ampoule containing a sensitive liquid and a user device configured to be worn on a user's skin that controls measurement of the viscosity of the mixture created by the glucose and sensitive liquid and evaluation of the measurement, where the viscosity is measured by observing the rotation of a measuring element disposed in the implantable sensor, where the element is driven by a driving magnet also disposed in the implantable sensor, and the rotations are analyzed based on their decay behavior after the driving magnet is turned off, in combination with all other limitations in the claims.

Ballerstadt (US 7226414) discloses similar inventions, as discussed in prior Office Actions, but does not disclose a mixing arm with a support for the oscillating element, or using decay behavior to determine viscosity.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN E. TOTH whose telephone number is (571)272-6824. The examiner can normally be reached on Mon thru Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/532,897
Art Unit: 3735

Page 5

/Patricia C. Mallari/
Primary Examiner, Art Unit 3735

/K. E. T./
Examiner, Art Unit 3735